

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONNAIL A. PATTERSON,

Plaintiff

Case No. 2:24-cv-02332-CDS-MDC

ORDER

v.

STATE OF NEVADA,

Defendant

On December 13, 2024, pro se plaintiff Donnail A. Patterson, an inmate in the custody of the Clark County Detention Center, filed an application to proceed *in forma pauperis* and an affidavit. (ECF Nos. 1, 1-1). There are a couple of errors with Plaintiff's filing. First, Plaintiff did not pay the full \$405 filing fee for this matter or file a complete application to proceed *in forma pauperis*. (See ECF No. 1). Plaintiff's application is incomplete because he did not submit a complete financial certificate and a jail trust fund account statement for the previous six-month period. Second, Plaintiff did not submit a complaint.

I. DISCUSSION

A. Filing Fee

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is

properly signed by both the inmate and a prison or jail official; and (3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

B. Complaint Form

Under the local rules, a pro se plaintiff must file a civil rights complaint on the form provided by this Court or it must be legible and contain substantially all the information called for by the Court's form. See Nev. Loc. R. Prac. LSR 2-1. Plaintiff must file a complaint.

II. CONCLUSION

It is therefore ordered that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is denied as incomplete.

It is further ordered that Plaintiff has **until January 17, 2025**, to accomplish the following two items:

- 1) File a complaint using the correct form for federal court.
- 2) Either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all three of the following required documents:
 - (i) a completed application with the inmate's two signatures on page 3,
 - (ii) a completed financial certificate that is signed both by the inmate and the prison or jail official, and
 - (iii) a copy of the inmate's trust fund account statement for the previous six-month period.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete application to proceed *in forma pauperis* or pay the required filing fee.

1 The Clerk of the Court is directed to send Plaintiff: (1) this Court's approved 42
2 U.S.C. § 1983 complaint form with instructions, and (2) this Court's approved form
3 application to proceed *in forma pauperis* for an inmate with instructions.

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5 DATED: December 20, 2024

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7 UNITED STATES MAGISTRATE JUDGE
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